

S. R. No. 240—By Senator Watson: Extending welcome to Dr. Abner V. McCall.

S. R. No. 241—By Senator Schwartz: Extending welcome to Mr. and Mrs. B. M. Jamison et al.

Adjournment

On motion of Senator Herring the Senate at 4:11 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 8, 1971.

APPENDIX

Sent to Governor

February 5, 1971

S. C. R. No. 16

S. C. R. No. 17

S. J. R. No. 5

S. B. No. 1

S. J. R. No. 17

S. J. R. No. 15

SIXTEENTH DAY

(Monday, February 8, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 5, 1971 was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 12.

S. B. No. 222.

S. C. R. No. 7.

Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 235 (Floor Report).

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator McKool:

S. B. No. 257, A bill to be entitled "An Act including income of insurers from all sources in the factors to be considered in setting rates of insurance premiums and prescribing a rate base; amending Article 5.01, Texas Insurance Code, as amended; and declaring an emergency."

To Committee on Insurance.

By Senator McKool:

S. B. No. 258, A bill to be entitled "An Act relating to the use of electronic recording devices by court reporters; amending Article 2324, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 259, A bill to be entitled "An Act relating to the leasing of certain areas to the National Audubon Society for the purpose of propagating, protecting, and conserving birds and bird life; amending Section 1, Chapter 20, General Laws, Acts of the 37th Legislature, 1st Called Session, 1921, as reenacted and amended; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Mauzy:

S. B. No. 261, A bill to be entitled "An Act amending employers' liability and workmen's compensation laws of the state; amending Section 8a, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to provide that in the case of death where guardian has not been appointed for a beneficiary who is disqualified for taking because of lunacy, infancy or other disqualifying cause, payments may be made directly to the person having custody of the person of such beneficiary, he shall be entitled to receive and receipt for such payments unless or until the association is notified that a guardian has been appointed in which event payments shall thereafter be made to such guardian; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and remaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency."

To Committee on Labor and Management Relations.

By Senators Brooks, Jordan and Wallace:

S. B. No. 262, A bill to be entitled "An Act changing the name of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, to the Port of Houston Authority of Harris County, Texas; changing the name of its board of navigation and canal commissioners to the port commission and changing the title of the members thereof to port commissioners; changing the title of the general manager to executive director; amending Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding a Section 5A; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senators Brooks, Jordan and Wallace:

S. B. No. 263, A bill to be entitled "An Act authorizing the Harris County Houston Ship Channel Navigation District of Harris County, Tex-

as, to provide for the prevention, detection, control, and fighting of fires and explosions on and adjacent to waterways, channels and turning basins within its jurisdiction; to promulgate and enforce ordinances, rules, and regulations therefor; providing that such functions may be exercised both within and without corporate boundaries; authorizing the District to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop traffic control facilities for the District; amending Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as amended; making legislative findings; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Jordan:

S. B. No. 264, A bill to be entitled "An Act amending Article 8309c-1, Workmen's Compensation for employees of certain drainage districts; providing for the application of Article 8309c, as amended, or as may hereafter be amended; providing for the application of Sections 1 and 4, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, which provides for the waiver of common law defenses of contributory negligence, fellow servant doctrine and assigned risk and further providing for the right of employees when employer is not a subscriber to sue the employer for common law negligence; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency."

To Committee on Labor and Management Relations.

By Senator Jordan:

S. B. No. 265, A bill to be entitled "An Act amending the employers' liability and workmen's compensation laws of this state; amending Section 20, of Article 8306, Revised Civil Statutes of Texas, 1925 to include injuries caused as the result of repetitious mental or physical traumatic activities extended over a period of time and further providing for the coverage of all Occupational Diseases that arise out of and in the course of

employment which cause damage or harm to the physical structure of the body; specifically repealing Sections 25, 26 and 27 of Article 8306, Revised Civil Statute of Texas; providing for a savings clause; repealing all laws in conflict; and declaring an emergency."

To Committee on Labor and Management Relations.

By Senator Creighton:

S. B. No. 266, A bill to be entitled "An Act to be known as the 'Professional Services Procurement Act,' relating to and establishing state policies and procedures for the procurement of professional services of architects, attorneys, physicians, surgeons and engineers, by agencies and departments of the State of Texas, political subdivisions, counties, municipalities, districts, public authorities or publicly-owned utilities; defining terms; declaring public policy; prohibiting contracting for such services by competitive bidding; providing for severability; providing a repealing clause; and declaring an emergency."

To Committee on State Affairs.

By Senator McKool:

S. B. No. 267, A bill to be entitled "An Act to provide that any qualified voter may vote absentee by personal appearance at the office of the clerk for absentee voting; amending Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), by amending Subdivisions 1, 2, 3b, and 4, and by adding a new Subdivision 2½; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Blanchard:

S. B. No. 268, A bill to be entitled "An Act relating to the taxation and regulation of certain coin-operated machine businesses; amending Chapter 13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To Committee on State Affairs.

By Senator Herring:

S. B. No. 269, A bill to be entitled "An Act amending Section 10 and repealing Section 10a of the 'Lower Colorado River Authority Act,' Chap-

ter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, and by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, and by Acts 1962, 57th Legislature, Third Called Session, page 27, Chapter 11, Section 1, and by Acts 1965, 59th Legislature, page 287, Chapter 124, Section 1, and by Acts 1967, 60th Legislature, page 1711, Chapter 655, Section 1, and page 1783, Chapter 678, Section 1, by amending Section 10 to increase the aggregate principal amount of bonds which the District may issue; to eliminate the five per centum (5%) per annum maximum interest cost authorized for bonds which the District may issue and authorize such interest costs on such bonds as shall be determined within the discretion of the Board of Directors of the District; and to increase the authorized aggregate thermal capacity of the one or more steam generating plants the District is authorized to acquire, install, construct, enlarge, make additions to, and operate to not more than 1,500,000 kilowatts; and by clarifying the provision relative to excess funds; by re-enacting the remainder of said Section 10 without change; by repealing the provisions of Section 10a of said Act; containing a severability clause; and declaring an emergency."

To Committee on Water and Conservation.

By Senator Hightower:

S. B. No. 270, A bill to be entitled "An Act authorizing the commissioners court of any county in the State to increase the compensation of district, county, or precinct deputies, assistants, or clerks; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Hightower:

S. B. No. 271, A bill to be entitled "An Act relating to disruption of

court proceedings; providing a penalty; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Creighton:

S. B. No. 272, A bill to be entitled "An Act relating to the boundaries of and the election to create the South Eastland County Hospital District; amending Section 1 and Subsections (a) and (d) of Section 3, Chapter 569, Acts of the 61st Legislature, Regular Session, 1969 (Article 4494q, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senators Watson, Connally, Kothmann and Word:

S. B. No. 273, A bill to be entitled "An Act amending and re-enacting Article 4413 (11), Vernon's Texas Civil Statutes, by authorizing the Public Safety Commission to appoint retired Department of Public Safety officers as Special Rangers; and declaring an emergency."

To Committee on Jurisprudence.

By Senator McKool:

S. B. No. 274, A bill to be entitled "An Act relating to uninsured motorist insurance coverage and prima facie evidence of the uninsured status of a driver and vehicle involved in an accident; amending Article 5.06-1, Texas Insurance Code; and declaring an emergency."

To Committee on Insurance.

Senate Concurrent Resolution 19

Senator Connally offered the following resolution:

S. C. R. No. 19, Inviting The Honorable Lloyd M. Bentsen, Jr., United States Senator from Texas, to address a Joint Session of the Texas Legislature.

The resolution was read.

On motion of Senator Connally and by unanimous consent, the resolution was considered immediately and was adopted.

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 29, To Committee on Agriculture and Livestock.

Senate Joint Resolution 8 on Second Reading

Senator McKool moved that Senate Rules 13 and 110 be suspended and that S. J. R. No. 8 be taken up for consideration at this time.

The motion prevailed.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 8, Proposing an amendment to Section 2, Article VI, Constitution of the State of Texas, to repeal the requirement that voters register annually and to add a provision that a period of registration may not exceed four years without renewal.

The resolution was read second time and was passed to engrossment.

Senate Joint Resolution 8 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Nays—3

Connally	Harris
Grover	

The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—4

Connally	Harris
Grover	Ratliff

(President in Chair.)

Co-Authors of Senate Joint Resolution 6

On motion of Senator Bernal and by unanimous consent, Senators Bates and Hall will be shown as Co-Authors of S. J. R. No. 6.

Senate Joint Resolution 6 on Second Reading

Senator Bernal moved that Senate Rules 13 and 110 be suspended and that S. J. R. No. 6 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	

Nays—4

Aikin	Grover
Connally	Word

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 6, Proposing an amendment to Sections 1 and 2, Article VI, Constitution of the State of Texas, to lower the minimum age required for voting to 18 years.

The resolution was read second time and was passed to engrossment.

Record of Vote

Senators Moore, Connally, Grover, Word and Aikin asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

Senate Joint Resolution 6 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson

Nays—5

Aikin	Moore
Connally	Word
Grover	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—26

Bates	Bridges
Beckworth	Brooks
Bernal	Christie
Blanchard	Creighton

Hall	McKool
Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson

Nays—5

Aikin	Moore
Connally	Word
Grover	

Senate Bill 96 on Second Reading

Senator Brooks moved that Senate Rules 13 and 110 be suspended and that S. B. No. 96 be taken up for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 96, A bill to be entitled "An Act amending Statutes relating to interest on accumulated contributions; and declaring an emergency." gency."

The bill was read second time and was passed to engrossment.

Senate Bill 96 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Joint Resolution 3 on Second Reading

Senator McKool moved that Senate Rules 13 and 110 be suspended and that S. J. R. No. 3 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Kennard	Word

Nays—5

Bates	Grover
Blanchard	Jordan
Creighton	

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 3, Proposing an amendment to Article III, Section 5, of the Texas Constitution, to provide for annual legislative sessions.

The resolution was read second time and was passed to engrossment.

Record of Votes

Senators Moore, Grover, Bates and Creighton asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

Motion to Place Senate Joint Resolution 3 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 3 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present.)

Yeas—23

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Nays—8

Bates	Jordan
Blanchard	Moore
Creighton	Patman
Grover	Ratliff

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

- H. C. R. No. 16.
- H. C. R. No. 17.
- H. C. R. No. 26.
- H. C. R. No. 27.

Memorial Resolutions

S. R. No. 242—By Senator Hightower: Memorial resolution for First Lieutenant James H. Cartwright.

S. R. No. 250—By Senator Watson: Memorial resolution for Dr. Arthur J. A. Koerner.

S. R. No. 251—By Senator Watson: Memorial resolution for Clyde Sam Hannah.

S. R. No. 252—By Senator Watson: Memorial resolution for Mrs. John L. Burgess.

S. R. No. 253—By Senator Watson: Memorial resolution for Henry Madeley.

S. R. No. 254—By Senator Watson: Memorial resolution for Curtis B. Joiner.

Welcome and Congratulatory Resolutions

S. R. No. 244—By Senator Brooks: Extending welcome to Mrs. Katherine Brown, et al.

S. R. No. 245—By Senator Watson: Extending commendation to Waco Jaycees' Boss of the Year John Davis.

S. R. No. 246—By Senator Watson: Extending commendation to McLennan County Judge Bob Thomas.

S. R. No. 247—By Senator Watson: Extending commendation to Mrs. Carlton Smith.

S. R. No. 248—By Senator Connally: Extending commendation to John C. Calhoun for his dedication to our country.

S. R. No. 249—By Senator Mauzy: Extending welcome to Scoutmaster Joe Dan Denison and Scout Troop 503 of Oak Cliff.

Adjournment

On motion of Senator Aikin the Senate of 11:58 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

In Memory of
William J. Marsh

Senator Creighton offered the following resolution:

(Senate Resolution 243)

Whereas, On February 1, 1971, the State of Texas lost a great and talented citizen in the death of William J. Marsh of Fort Worth, Texas, at the age of 90 years; and

Whereas, Mr. Marsh was best known and will be long remembered for his composition of the music of our State song, "Texas, Our Texas"; and

Whereas, William J. Marsh was born in Woolton, Liverpool, England; he received his first music instruction from his Kentucky-born mother, who was an outstanding musician; he continued his studies at Ampleforth University in Yorkshire; and

Whereas, While very young, he became imbued with the church works of all the old masters: Palestrina, Vittoria and the Cecilian school; at the age of 16, he was appointed choirmaster and organist at St. Mary's church in Liverpool; and

Whereas, In 1905, he left England and moved to Fort Worth, Texas, where he engaged in the cotton business and continued in this occupation for many years; his interest in music carried over into his new surroundings; he served as director of the Arion Choral Society and the Euterpean Women's Chorus for several years; he was organist for the First Presbyterian Church for 25 years, at Temple Beth El for 21 years, and at St. Patrick's Church for 10 years; he was employed by the Fort Worth Star-Telegram as a music critic for some 20 years; and

Whereas, He composed and published more than 100 songs in his lifetime; in 1921 and 1922, he was awarded first prize by the San Antonio Music Club for the best song by a Texas composer; in 1927 he received a double prize at the State Fair of Texas for best song and piano composition by a Texas composer; he was a Life Member of the National Federation of Music Clubs; he was listed in "Who's Who in America," and served as chairman of the Texas Guild of Composers; and

Whereas, Mr. Marsh will always be remembered in Texas for his composition of the beautiful and inspiring music to "Texas, our Texas"; he came to Texas as a foreigner, but his love for his adopted state led him to compose the great song which officially became our State song in May of 1929; and

Whereas, It is the desire of the Senate to honor the memory of William J. Marsh and to express sympathy to his sisters, Miss Clara E. Marsh and Miss Mary C. Marsh of Fort Worth; now, therefore, be it

Resolved, That the Senate of Texas, 62nd Legislature, by this Resolution, pay tribute to the memory of a great and distinguished Texan; that copies of this Resolution, under the seal of the Senate, be prepared for each of his sisters as a token of our appreciation for the life of William J. Marsh.

The resolution was read and was adopted by a rising vote of the Senate.